GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:91
ANSWERED ON:08.08.2012
RESERVATION IN PROMOTION
Laguri Shri Yashbant Narayan Singh;Singh Shri Ratan

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Supreme Court has given a judgement regarding reservation in promotions for the Scheduled Castes and Scheduled Tribes as unconstitutional;

(b) if so, the details thereof and the reasons therefor; and

(c) the steps taken by the Government to remove impediments in the promotion of persons belonging to Scheduled Castes and Scheduled Tribes along with the outcome thereof?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (SHRI V. NARAYANASAMY)

(a) to (c): The Supreme Court in the matter of M. Nagaraj Vs. Union of India has held that the constitutional amendments made to enable the State to provide reservation are constitutionally valid. However, the States have to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment, keeping in mind maintenance of efficiency of administration, as indicated by Article 335.

Recently, the Supreme Court in the matter of Rajesh Kumar Vs. Uttar Pradesh Power Corporation Limited has struck down the provision of reservation in promotion in the services of State of Uttar Pradesh, because the aforesaid requirements were not complied with.

The aforesaid judgment is in respect of services of State of Uttar Pradesh.